Special Appeal (Civil) No.59/2005
Om Prakash & Anr. Vs. National Insurance Co. & Ors.
(in SB Civil Misc.Appeal No.16/2001)

**Date of Order ::: 05/09/05**

***Hon'ble Mr. Justice V.K.Bali***
***Hon'ble Mr. Justice Ajay Rastogi***

Mr. Sanjay Singhal, for appellants (claimants),

By the Court : (Ajay Rastogi, J.)

This is claimants' special appeal praying only for grant of interest @ 12% per annum from the date of claim petition instead of 9% per annum as ordered by learned Single Judge vide judgment dt.03/05/05 in CMA No.16/01, which was filed by National Insurance Company against Award dated 10/07/2000 passed by Motor Accident Claims Tribunal, Bayana (Bharatpur) in MACT Case No.110/95, whereby compensation of Rs.9,24,200/- with interest @ 12% per annum from the date of claim petition was awarded.

Learned Single Judge while dismissing CMA No.16/01 of Insurance Company, has observed that 50% amount of compensation was duly paid to claimants and 50% balance amount whereof was ordered to be paid with interest @ 9% per annum from the date of claim petition till actual payment of 50% balance amount of compensation, within three months failing which Claimants would be entitled to interest @ 12% per annum.

At the very outset, Shri Sanjay Singhal, Counsel for claimants has urged that final direction given by learned Single Judge has been misinterpreted

by Insurance Company and 12% interest per annum awarded by Tribunal is being considered to be modified by Insurance Company in view of judgment dt.03/05/05 passed by learned Single Judge in CMA No.16/01.

Since only clarification has been sought by claimants so that it may not be misread by Insurance Company, we have not considered it proper to issue notice, before issuing clarification.

Heard and perused material on record. We find that order passed by learned Single Judge is self explicit and clear. Since Counsel for Claimants has submitted that the direction given by learned Single Judge is being misinterpreted, we accordingly clarify that as per order of learned Single Judge dt.03/05/05, claimants will be entitled to interest @ 9% per annum on balance amount of compensation, which was payable on the date of order of learned Single Judge dt.03/05/05 in terms of the Award dt.10/07/2000 passed by the Tribunal; and if Insurance Company failed to make payment of 50% balance amount of compensation within three months from the date (03/05/2005) of order of learned Single Judge, claimants were held to be entitled to interest @ 12% per annum from the date of claim petition till actual payment.

With aforesaid clarification, this special appeal stands disposed of and this order be read in consonance with order of learned Single Judge dt. 03/05/2005. No order as to costs.

(Ajay Rastogi), J. ( V.K.Bali ), J.

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